PTO/SB/21 (09-04) Application Number . 10/765,318 Filing Date January 26, 2004 First Named Inventor Lurie, Keith G.

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| Date Apr | ril 1, 2005 | Reg. | No. 38,464 | | | |
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
On APR 0 6 2005
TOWNSEND and TOWNSEND and CREW LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith G. Lurie

Application No.: 10/765,318

Filed: January 26, 2004

For: SYSTEMS AND METHODS FOR

MODULATING AUTONOMIC

FUNCTION

Examiner:

Art Unit: 3736

INFORMATION DISCLOSURE

STATEMENT UNDER 37 CFR §1.97 and

§1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a continuation-in-part of and relies upon U.S. Patent Application No. 10/660,462, filed September 11, 2003, Attorney Docket No. 016354-005211US ("the parent application") for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR §1.98(d), copies of the references have all been previously submitted to or cited by the Office in the parent application, and are therefore not enclosed.

Application No.: 10/765,318

Page 2

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that <u>no fee is required</u> for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account

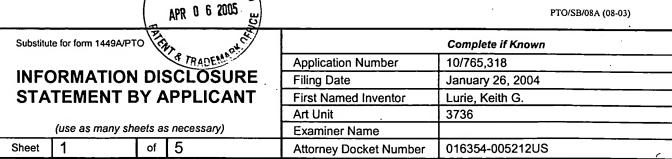
Respectfully submitted,

Darin J. Gibby Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

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| INF | DRMATION | I DIS | SCLOSURE | Filing Date | January 26, 2004 |
| STA | STATEMENT BY APPLICANT | | | First Named Inventor | Lurie, Keith G. |
| | | | | Art Unit | 3736 |
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